



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,205	11/21/2001	Walter W. Hsu	688-103	9520

7590 10/06/2003  
Robert M Haroun  
Sofer & Haroun LLP  
342 Madison Avenue  
Suite 1921  
New York, NY 10173

EXAMINER

BENNETT, GEORGE B

ART UNIT	PAPER NUMBER
----------	--------------

2859

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/989,205

Applicant(s)

HSU, WALTER W.

Examiner

G. Bradley Bennett

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Reissue Applications*

1. A statement as to loss or inaccessibility of the original patent has been received and is acknowledged in accordance with 37 CFR 1.178.

2. Hartbauer et al. discloses the invention as claimed where: **B** is a doughnut-shaped member, and **12** is an inner circular board rotatably attached with a circular slide track **13**. A plurality of holes **30** are on the peripheral area of the outside board. Holes **27** are tapered, thereby providing a widened recess.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartbauer et al..

5. Hartbauer et al. discloses the invention as claimed where: **B** is a doughnut-shaped member, and **12** is an inner circular board rotatably attached with a circular slide track **13**. A plurality of holes **30** are on the peripheral area of the outside board.

Art Unit: 2859

Holes **27** are tapered, thereby providing a widened recess. However, Hartbauer et al. does not disclose four radial lines of holes on the outer board or 10 radial lines on the inner board. Official Notice is taken that such modifications are old and well-known in the art. It is known to provide more holes on a circle drawing implement for the purpose of providing structure such that a larger variety of circles may be drawn. Therefore, it would have been obvious at the time the invention was made to use additional holes, including the hole patterns claimed, in conjunction with the Hartbauer et al. device based on manufacturing and/or end user preferences.

6. Hartbauer et al. also does not disclose that the inner and outer board members combine to form a flush bottom in the manner as claimed. Official Notice is taken that such a structural change to the Hartbauer et al. device would have been obvious to one of ordinary skill since such an alteration has minimal effect on the device. Both members will spin relative to one another, whether or not they form a flush bottom. Furthermore, various structures are known where both members are flush. See Fisher, for example.

7. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartbauer et al. in view of Stober, Jr. et al..

8. Hartbauer et al. discloses the invention substantially as claimed. However, Hartbauer et al. does not disclose the extension arm as claimed. Stober, Jr. et al. discloses how an extension arm may be used in conjunction with an outer board for the purpose of drawing large circles around the outer board. Furthermore, such an arm could obviously be manufactured as a detachable arm, since the outer board and extension arm can be used independently or together. Therefore, it would have been

obvious at the time the invention was made for one of ordinary skill in the art to use an extension arm as taught by Stober, Jr. et al. in conjunction with the Hartbauer et al. device for the purpose of allowing a person to draw large circles with the Hartbauer et al. device.

9. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartbauer et al. in view of Leung.

10. Hartbauer et al. discloses the invention substantially as claimed. However, Hartbauer et al. does not disclose the magnifying means as claimed. Leung discloses how a lens may be used in conjunction with a measuring instrument for the purpose of magnifying objects with the measuring instrument. Therefore, it would have been obvious at the time the invention was made for one of ordinary skill in the art to use a magnifying means as taught by Leung in conjunction with the Hartbauer et al. device for the purpose of allowing a person using the Hartbauer et al. device to magnify objects as well as draw circles with the device.

### ***Conclusion***

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Bradley Bennett whose telephone number is 703.308.1284. The examiner can normally be reached on M-TH 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on 703.308.3875. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9306 for regular communications and 703.872.9306 for After Final communications.

Art Unit: 2859

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0956.

A handwritten signature in black ink, appearing to read "G. Bradley Bennett", is positioned above the printed name.

G. Bradley Bennett  
Primary Examiner  
Art Unit 2859

gbb  
September 22, 2003